

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
STEPHANIE A. GALLAGHER  
UNITED STATES DISTRICT JUDGE  
MDD\_SAGchambers@mdd.uscourts.gov

101 WEST LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
(410) 962-7780

January 7, 2020

LETTER TO ALL COUNSEL OF RECORD

RE: Davis v. Allers, et al.  
Civil No. SAG-19-2750

Dear Counsel,

Several Motions to Dismiss the Complaint are pending in this case: ECF 16 (filed by Defendant Dean Palmere); ECF 17 (filed by Defendant John Clewell); ECF 18 (filed by Defendant Thomas A. Allers); and ECF 24 (a partial motion to dismiss Count II filed by Defendants Daniel Hersl and Jamell L. Rayam). The first such motion, ECF 16, was filed on November 15, 2019. On December 2, 2019, Plaintiff Cardinair Davis filed an opposition to one of the motions, which also incorporated a Motion for Leave to Amend Pleadings, ECF 26.<sup>1</sup> Federal Rule of Civil Procedure 15(a)(1)(B) permits a party to amend its pleading once as a matter of course within 21 days after service of a motion under Rule 12(b). Accordingly, Plaintiff's motion for leave to amend is GRANTED. The Clerk will be directed to docket Plaintiff's Amended Complaint, ECF 26-3.

Because the Amended Complaint eliminates Count II, ECF 24 will be denied as moot. On or before **January 14, 2020**, Defendants Palmere, Clewell, and Allers should advise the Court in writing whether their pending Motions to Dismiss should be renewed, as fully briefed, with respect to the Amended Complaint. Otherwise, the motions will be mooted to permit the defendants to file new motions or answers to the Amended Complaint, as appropriate.

Despite the informal nature of this letter, it should be flagged as an opinion. A separate Order is filed herewith.

Sincerely yours,

/s/

Stephanie A. Gallagher  
United States District Judge

---

<sup>1</sup> For docketing purposes, the Motion for Leave to Amend Pleadings should have been docketed separately from the opposition. In fact, the docket does not even reflect the filing of the Motion for Leave to Amend.